

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.
CRIMINAL APPLICATION No.1634 of 2007

Prabhakar Janu Suryavanshi ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Rahul S.Kulkarni, Advocate for the
Applicant.

Mr Y. S. Shinde, APP for the State.

CORAM: V.C. DAGA,J.
DATED: 6TH JULY, 2007.

P.C.:-

1. Heard learned counsel for the applicant
and learned A.P.P. for the State.

2. Perused application.

3. The applicant is arrested in connection
with C. R. No.27 of 2007 registered with
Laxmipuri Police Station, Kolhapur for offence
punishable under Section 302 of the Indian
Penal Code. The complaint was registered on
the complaint lodged by Raju Vilas Patil, the
Manager of a lodge. The order of the learned
Additional Sessions Judge, Kolhapur dated
23.3.2007 is speaking order. The relevant
paragraph of the said order reads as under:-

The papers pertaining to investigation carried out so far are perused by me. It is seen that the deceased Mahananda was in the exclusive custody of the applicant in room No. 103 of "Sunny Delux Lodge" at Kolhapur and while she was in his exclusive custody, her death has occurred. The applicant is a barber and he was having with him a razor. He cut the neck of deceased Mahananda and there is extra judicial confession to that effect. The blood stained articles and the razor which was used for cutting the neck of Mahananda having blood stains on it was seized. The applicant is expected to explain under what circumstances the death of Mahananda occurred as she was in his exclusive custody. The investigation is in progress. The applicant is resident of Hukkeri district Belgaum from Karnataka State and he came over to Kolhapur in Maharashtra State along with deceased Mahananda. The reason for coming over to Kolhapur is not brought on record. It is not understood as to what was the intention of the applicant to take the room on hire at night time and within a short span thereafter to narrate the waiter and Manager of the lodge that he had committed the murder of Mahananda by razor and give extra judicial confession over it. The nature and gravity of the offence cannot be ignored. At the same time there are chances that the applicant may elope in the event if he is given the benefit of bail.

3. In the above peculiar facts and circumstances of the case, the Custodial investigation is necessary. The learned Additional Sessions Judge, Kolhapur has given cogent reasons while rejecting bail application vide order dated 23.3.2007 which

holds good even while considering the present application. In this view of the matter, the application is rejected.

(V.C. DAGA,J.)